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FAX NO.: 703-872-9306
PHONE NO.:

PAGES (INCLUDING COVER):

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ORIGINAL TO FOLLOW IN MAIL:

☐ Yes ☒ No

FROM
NAME: James R. Miner, Reg. No. 40,444
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MESSAGE Attached please find the following regarding U.S. Patent Application No. 10/787,150:

1. Response to Restriction Requirement (3 pages); \swarrow
2. Certificate of Transmission (1 page); and \swarrow
3. Fax Cover Sheet (1 page) \swarrow

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DATE: April 25, 2005
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CLIENT/MATTER NO.: 56730.000004

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56730.000004 FAIRFAX 266786v1

Application No.: 10/787,150
Attorney Docket No. 56730.000004

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APR 25 2005

Application No.: 10/787,150
Attorney Docket No. 56730.000004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)
Beverly C. Phifer) Group Art Unit: 3632
Application No.: 10/787,150) Examiner: Kimberly T. Wood
Filed: February 27, 2004)
For: "READING STAND"

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 24, 2005, Applicant hereby traverses the restriction requirement and requests reconsideration and withdrawal of such requirement.

Claims 1-41 are presently pending in the application.

A. SUMMARY OF RESTRICTION REQUIREMENT

The Office Action asserts that the application contains claims directed to patentable distinct species of the claimed invention:

Species I drawn to figures 1-17;

Species II drawn to figures 18 and 19; and

Species III drawn to figure 20.

The Office Action asserts that Applicant is required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

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B. ELECTION

Applicant hereby provisionally elects species I drawn to figures 1-17. Further, Applicant respectfully submits that all of claims 1-41 are readable on such elected species.

C. TRAVERSAL

Applicant respectfully traverses the restriction requirement. It is submitted that, due to the related subject matter of the asserted species, a complete and thorough search of one species would involve a search of the areas relevant to the two non-elected species. Accordingly, Applicant submits that the burden on the Examiner does not warrant requiring Applicant to potentially pay duplicative PTO fees and perform duplicative prosecution to obtain patent protection for the present invention.

However, Applicant submits that presently all of claims 1-41 are readable on the elected species. Accordingly, Applicant requests examination on the merits of claims 1-41.

D. CONCLUSION

Applicant believes that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

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Attorney Docket No. 56730.000004

The Examiner is respectfully requested to call Applicant's undersigned representative at the telephone number below if any assistance might be provided to the Examiner in the examination of the application.

Respectfully submitted,

HUNTON & WILLIAMS

Date: April 25, 2005

By:


James R. Miner
Registration No. 40,444

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